



behalf. In the application, Mr. Shoemaker requested compensation in the amount of \$48,772.60 on behalf of Mr. Downing.

On June 20, 2016, Respondent filed a Response in which she argued that the undersigned should defer a ruling on the application, and on June 29, 2016, Mr. Shoemaker filed a Reply to Respondent's Response and a Motion to Amend Application for Interim Attorneys' Fees and Costs ("amended application"), again on behalf of Mr. Downing. In his amended application, Mr. Shoemaker seeks compensation for Mr. Downing in the amount of \$51,902.76.

To the extent that Mr. Shoemaker is seeking leave to amend his initial fees and costs application, his motion is hereby GRANTED.

The question of whether this petition was supported by a reasonable basis<sup>3</sup> at the time of filing and whether, if so, that reasonable basis persists through this filing and beyond, are disputed issues in this case. For that reason and for the additional reasons set forth in Respondent's June 20, 2016 Response, the undersigned hereby DEFERS RULING on the substance of Mr. Shoemaker's June 29, 2016 amended application. *See Morris v. Sec'y of HHS*, No. 12-415V, 2014 WL 8661863 (Fed. Cl. Spec. Mstr. June 4, 2014) (deferring a ruling on an interim fee application that had been filed by counsel who simultaneously sought to withdraw, and finding that although reasonable basis had not yet been established, Petitioner was entitled to an opportunity to identify additional evidentiary support for his claim). The undersigned will revisit this application for fees once an assessment of reasonable basis has been completed at the conclusion of the entitlement phase of the case.

**IT IS SO ORDERED.**

/s/Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master

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<sup>3</sup> See § 300aa-15(e)(1) (attorneys' fees may be awarded if the special master finds that the petition was filed in good faith and with a reasonable basis).